

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Christopher P. Fields (SBN 174155) Lee & Fields, APC 3731 Wilshire Boulevard, Suite 940 Los Angeles, California 90010 T: (213) 380-5858 F: (213) 380-5860 E-mail: chrisfields@leefieldslaw.com</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Debtor Beau B. Kim</p>	<p>FOR COURT USE ONLY</p> <div data-bbox="1049 264 1432 533" style="border: 1px solid black; padding: 10px; text-align: center;"><p>FILED & ENTERED</p><p>OCT 20 2017</p><p>CLERK U.S. BANKRUPTCY COURT Central District of California BY bakchell DEPUTY CLERK</p></div> <p>CHANGES MADE BY COURT</p>
<p><u>NOT FOR PUBLICATION</u></p> <p>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - <u>LOS ANGELES</u> DIVISION</p>	
<p>In re:</p> <p>Beau B. Kim</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 2:12-BK-20490-RK CHAPTER: 7</p>
	<p style="text-align: center;">ORDER <input type="checkbox"/> GRANTING <input checked="" type="checkbox"/> DENYING MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)</p> <p><input checked="" type="checkbox"/> No hearing held <input type="checkbox"/> Hearing held Date: Time: Courtroom: Place:</p>
<p>Creditor Holding Lien to be Avoided (name): Citibank (South Dakota) N.A.</p>	

The Motion was: ☐ Opposed ☒ Unopposed ☐ Settled by stipulation

Pursuant to 11 U.S.C. § 522(f), Debtor moved to avoid a judicial lien on real property claimed to be exempt. The court finds and orders as follows:

1. ☐ Notice of this Motion complied with LBR 9013-1(d).
2. ☒ Notice of this Motion complied with LBR 9013-1(o).
 - a. ☒ There was no opposition and request for hearing.

- b. ☐ Hearing requested and held as indicated in the caption.
3. The real property to which this order applies is as follows:
- a. Street address (*specify*): 1517 Eudora Avenue, Wilmington, California 90744
- b. Legal description (*specify*): ☐ See attached page
Lot 107 of Tract 26982, in the City of Los Angeles, County of Los Angeles, as per Map recorded in Book 689
Page 35 of the Maps in the Office of the County Recorder.
4. Recording information regarding lien to be avoided:
- a. Date of recordation of lien (*specify*): 11/7/2011.
- b. Recorder's instrument number or map/book/page number (*specify*): 11-1505004
5. ☐ Motion granted:
- a. ☐ The judicial lien sought to be avoided impairs an exemption to which Debtor would otherwise be entitled
under 11 U.S.C. § 522(d)
- b. ☐ The judicial lien is void and unenforceable:
- (1) ☐ In its entirety
- (2) ☐ In the following amount *only*: \$ _____. The balance of \$ _____ remains a valid and
enforceable lien against the property.
- c. Unless otherwise ordered, any claim(s) that were secured by the avoided lien(s) are to be treated as general
unsecured claim(s) and are to be paid pro-rata with all other unsecured claims.
6. ☒ Motion denied on the following grounds: ☐ with prejudice ☒ without prejudice
- a. ☐ Insufficient notice
- b. ☐ Insufficient evidence of the exempt status of the property in question
- c. ☒ Failure to comply with FRBP 7004(b)(3) or FRBP 7004(h).
- As indicated on the abstract of judgment, the named lienholder is Citibank (South Dakota) N.A. (FDIC
#23360), which no longer exists because it was merged into Citibank, N.A. (FDIC #7213), the lienholder's
successor entity. Debtor's lien avoidance motion under 11 U.S.C. 522(f) is a contested matter under
FRBP 9014. The proof of service of the motion indicates that Debtor served "Citibank" rather than
"Citibank, N.A.", service was by regular mail rather than certified mail and service was not addressed to
an officer of Citibank, N.A. As indicated on the FDIC BankFind website, Citibank, N.A. is an FDIC insured
depository institution, which must be served by certified mail addressed to an officer of the institution
designated by the institution pursuant to Fed. R. Bankr. P. 7004(h) and 9014. Debtor's service of the
motion is insufficient because service was not addressed to the full and correct name of Citibank, N.A.,
the successor lienholder, there is no proof of service by certified mail on Citibank, N.A., and service on
Citibank, N.A., was not addressed to an officer of the institution designated by the institution as required
by Fed. R. Bank. P. 7004(h).
- d. ☐ Insufficient evidence of fair market value.
- e. ☐ Motion is incomplete.
- f. ☐ Other (*specify*):

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7. ☒ The court further orders as follows (*specify*):

The court grants leave to Movant to file an amended motion to avoid lien which corrects the deficiency within 60 days of entry of this order.

☐ See attached page

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Date: October 20, 2017



Robert Kwan
United States Bankruptcy Judge